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436158

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/436,158 05/08/95 GANTT

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EXAMINER

JANKOS, R

ART UNIT

PAPER NUMBER

2412

DATE MAILED:

01/11/96

GARY R STANFORD
5926 BALCONES DRIVE
SUITE 240
AUSTIN TX 78731

24M1/0111

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 5/8/95 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 1-24 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-24 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

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1. Claims 1-24 are presented for examination.
2. Claims 1-24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claims "presumptive geometric relationship" is vague and indefinite as a result of manipulating a selected object over an underlying object in a computer aided design system. In one sense, all relationships between objects on a display are presumed. For example, all overlapped objects are presumptive because true overlap is impossible on a two dimensional display. In another sense, if one considers the three-dimensional moded space abstraction, then all object relationships, although virtual, are real in that space, i.e., none are presumed.

Further, "floating" is vague and indefinite.

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102

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of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

4. Claims 1, 21 and 24 are rejected under 35 U.S.C. § 103 as being unpatentable over Newell et al.

Newell et al. rendered obvious claim 1 by teaching the claimed graphic object within a proximity of another graphic object, manipulating into a presumed relation and maintaining while pointing at figures 2A-2B and at columns 4-5. In this case the presumed relation is a coincidence between the pointer and end point. The claimed rules can be considered the rules that make certain points of Newell et al. recognized as interesting.

While Newell et al. teaches most features claimed, it is noted that floating is not explicitly taught.

However, it would have been obvious to consider a proximate distance as floating because this permits objects to interact throughout a range with the same effects.

Claims 21 and 24 are similar to claim 1 and are rejected under a similar rationale.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almis Jankus whose telephone number is (703) 305-9795.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

A.Jankus/vgj
December 14, 1995

ALMIS E. JANKUS
PRIMARY EXAMINER
GROUP 2400

A handwritten signature in black ink, appearing to read 'Almis E. Jankus', written in a cursive style.